

April 2, 2012

Representative Marcus R. Oshiro, Chair Representative Marilyn B. Lee, Vice Chair House Committee on Finance

Opposition to SB 2745, S.D. 1, H.D. 1, Relating to Environment (Creates a climate change adaptation policy for the State by amending the Hawaii State Planning Act to include climate change adaptation priority guidelines. Requires counties to take into account a predicted sea level rise of one foot by 2050.)

Tuesday, April 3, 2012, 6:00 p.m., in Conference Room 308

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii ("LURF"), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF strongly supports the original and previous, S.D. 1 versions of this measure, however, strongly opposes the changes made in Section 2 of the H.D. 1 version. LURF respectfully urges the <u>deletion</u> of the "command and control" unfunded mandate relating to sea level rise in Section 2 of H.D. 1; and urges the Committee's favorable consideration and <u>passage of a new H.D. 3 amendment</u>, which would return this measure to the S.D. 1 version. LURF's opposition is based on, among other things the following:

- Section 2 of H.D. 1 is <u>contrary</u> to the purpose, objectives, spirit, intent and recommendations of the Final Report Relating to Global Warming to the Governor and Legislature of the State of Hawaii, Pursuant to 2009 Haw. Sp. Sess. Laws Act 20 prepared by the Office of Planning ("OP"), Department of Business, Economic Development & Tourism ("DBEDT") ("OP Global Warming Report (2009)). See, the OP Global Warming Report (2009) attached to the Statement of Jesse K. Souki, Director, OP, DBEDT, in consideration of SB 2745 SD1 HD1 Relating to the Environment, before the House Committee on Finance, Tuesday, April 3, 2012 6:00 PM, State Capitol, Conference Room 308.
- 2. Section 2 of H.D. 1 is <u>inconsistent</u> with the recommended legislation proposed by *OP Global Warming Report* (2009).
- 3. Section 2 of H.D. 1 <u>lacks the broad consultation</u>, input and vetting of professionals and stakeholders.

- 4. Section 2 of H.D. 1 is **devoid of any facts**, **findings or justification** to support the inclusion of a "command and control" unfunded mandate requiring each county to "take into account a predicted sea level rise of one foot above current sea level by 2050."
- 5. The impact of the sea level rise and climate change adaption policies should not be established by a "command and control mandate" which was proposed without credible substantiation or broad stakeholder support.
- 6. Instead, the impacts of sea level rise and "climate change adaption policies" should be accurately and appropriately determined and developed by consultation, input and recommendations of experts and stakeholders, through the "climate change adaptation policy" as provided in the OP Global Warming Report (2009) and the original and S.D. 1 versions of this measure.
- 7. Section 2 of H.D. 1 will result in <u>adverse impacts and unnecessary costs</u> to public works projects, private development, and permit processes.

SB 2745, S.D. 1, H.D. 1. The original version of this measure was proposed by the State Administration based on the attached Final Report Relating to Global Warming to the Governor and Legislature of the State of Hawaii, Pursuant to 2009 Haw. Sp. Sess. Laws Act 20 prepared by the Office of Planning ("OP"), Department of Business, Economic Development & Tourism ("OP's Global Warning Report (2009)").

The <u>original measure</u> was a result of consultation, input and vetting by the multi-stakeholder Ocean Resources Management Plan ("ORMP") Policy and Working Groups, which included representatives from Federal, State, counties, University of Hawaii and the community ("ORMP Working Group Partners"); participants in OP's August 2011 Climate Change Workshop; OP's Coastal Zone Management Program, the U.S. Army Corps of Engineers; the Pacific Islands Climate Change Cooperative; local members of the Pacific Risk Management 'Ohana; the Pacific Climate Information System; as well as the Lieutenant Governor's Office and public stakeholders. OP also posed the draft policy on its Facebook page and Twitter feed to take advantage of social media. <u>See</u>, *OP Global Warning Report (2009)* pp 4, Appendix A: Climate Change Workshop Participants and Appendix B: ORMP Partners.

The <u>original measure and the S.D. 1</u> propose to amend the Hawaii State Planning Act, Hawaii Revised Statutes ("HRS"), Chapter 226, to include in part III, climate change adaptation priority guidelines. LURF supports the **purpose** of the original measure and S.D. 1, which is "to encourage collaboration and cooperation between county, state, and federal agencies, policy makers, businesses, and other community partners to plan for the impacts of climate change and avoid, minimize, or mitigate loss of life, land, and property of future generations." See, OP Global Warning Report (2009) pp 3-4.

LURF also supports the <u>intent</u> of the <u>original measure and S.D. 1</u>, which is to establish a "climate change adaption priority guideline" "to improve the planning process in this state, increase the effectiveness of government and private actions, improve coordination among different agencies and levels of government, provide for wise use of Hawaii's resources, and guide the future development of the state in the area of climate change adaptation." <u>See</u>, *OP Global Warning Report* (2009) p 7.

LURF further supports the <u>objective</u> of the original measure and S.D. 1, which is "<u>not</u> a 'command and control mandate.' It is a planning tool that guides the state and counties in improving the quality of life for Hawaii's present and future population through the pursuit of

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desirable courses of action in its system of statewide planning." <u>See, OP Global Warning Report</u> (2009) pp 4-5.

However, Section 2 of the H.D. 1 version specifically amends HRS Chapter 46 to impose a new mandate which did not exist in prior versions, now requiring the counties to take into account a mandatory one-foot predicted sea level rise when reviewing applications for building, zoning, and other development permits, and when developing future county plans. Section 2 of H.D. 1 is inconsistent with the purpose, intent and objectives of the OP Global Warning Report (2009) because it imposes a "command and control" unfunded mandate on the counties, which may detrimentally impact and unnecessarily increase costs for future state, county and private projects along the shoreline.

<u>LURF's Position</u>. LURF supports the original and S.D. 1 versions\_of this measure, which adds priority guidelines to the Hawaii State Planning Act, HRS Chapter 226, to address and prepare for the anticipated impacts of climate change. However, LURF strongly opposes Section 2 of H.D. 1, which adds a "command and control" unfunded mandate requiring the counties to take into account a mandatory one-foot predicted sea level rise when reviewing applications for building, zoning, and other development permits, and when developing future county plans.

<u>Conclusion</u>. Based on the above, LURF respectfully urges the <u>deletion</u> of Section 2 of H.D. 1, which imposes a "command and control" unfunded mandate relating to sea level rise; and urges the Finance Committee's favorable consideration and <u>passage of a new H.D. 3</u> amendment, which would return this measure to the S.D. 1 version.

Thank you for the opportunity to present testimony regarding this matter.